

**REMARKS**

Claims 1-16 are pending, and Claims 1-16 have been rejected under 35 U.S.C. § 103(a) based on Miller (U.S. Patent No. 6,388,043) in view of BuyMedia.com (“BuyMedia”). The Applicant respectfully traverses that rejection.

In the Applicant’s system – and as recited in each of the pending claims – the system selects a media outlet in the Applicant’s system. This “system selection” feature is not disclosed in any of the cited art. Instead, in Miller and Buymedia, it is the buyer rather than the system that selects the media outlet. Specifically, with Miller, the set of media suppliers is an input to the system (*i.e.*, a guideline variable) and the selection process is left to the buyer. (Miller, Col. 10, Ln. 32-34; Col. 13, Ln. 5-7; Col. 13, Ln. 17-18; Fig. 4). Similarly, with the BuyMedia system, it is the buyer who “identifies which stations or systems to contact.” (BuyMedia.com Web Page, Page 2 of 4, submitted with 12-8-00 IDS). Neither Miller nor BuyMedia describes a system capable itself of selecting a subset of media outlets from user supplied information.

An inherent benefit of the recited “system selection” feature is a reduction in the time required for the media buying process. In the most recent office action, the Examiner rejected the Applicant’s arguments regarding the “system selection” feature as “moot” because this inherent benefit of the “system selection” feature was not explicitly recited in the claims. The Applicant respectfully suggests that such a rejection is improper. *See Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1575, 1 U.S.P.Q.2d (BNA) 1081, 1087 (Fed. Cir. 1986) (“claims need not recite inherent advantages relied on for patentability” (citing *In re Antonie*, 559 F.2d 618, 619, 195 U.S.P.Q. (BNA) 6, 8 (CCPA 1977))). However, to expedite the handling of this case, the Applicant has amended each of the pending independent claims to include this inherent benefit of the claimed “system selection” feature.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Application No.: 09/650,299

Docket No.: HO-P02014US0

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. HO-P02014US0/10207860 from which the undersigned is authorized to draw.

Dated: September 18, 2003

Respectfully submitted,

By  \_\_\_\_\_

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CLAIMS

What is claimed is:

1. (Currently amended) A method of selecting and purchasing media advertising in a user/server environment accessed through a Web site using a media buying process, comprising the steps of:

an advertiser accessing a server system through a Web site and providing information relating to buying criteria and customer data through a Web page form in order to select and purchase media advertising;

the server system receiving the information, processing the information to select at least one media outlet from a plurality of available media outlets thereby causing said media buying process to have a reduced duration, and creating at least one media advertising rate request directed to the at least one media outlet;

transmitting the at least one rate request to at least one media outlet for processing;

the at least one media outlet processing the rate request and transmitting the processed rate request back to the server system;

the server system manipulating the processed rate request to create a media advertising schedule;

transmitting the media advertising schedule to the advertiser;

the advertiser receiving the schedule, making a media advertising purchase decision and transmitting the purchase decision to the server system; and

the server system transmitting the media advertising purchase decision to the at least one media outlet for reserving the purchased advertising.

1           2.       (Original) The method of claim 1, wherein the media advertising for selecting  
2           and purchasing is selected from a group consisting of radio, television, cable,  
3           newspaper and outdoor media.

1           3.       (Original) The method of claim 1, wherein the information relating to the  
2           buying criteria is selected from a group consisting of advertising campaign type,  
3           media choice, customer profile, scheduling preferences, target demographics and  
4           allocated budget.

1           4.       (Original) The method of claim 1, wherein the information relating to  
2           customer data is selected from a group consisting of company name, physical address,  
3           telephone/facsimile numbers, e-mail address, contact name and credit information.

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1           5.       (Previously amended) The method of claim 1, wherein processing of the  
2           information received from the advertiser includes feeding the information into media  
3           selection software for determining effective media choices and for ranking the media  
4           choices.

1           6.       (Original) The method of claim 1, wherein the at least one rate request created  
2           includes information selected from the group consisting of flight period, dayparts,  
3           days of the week, excluded programming, excluded stations, category of advertiser,  
4           respond by date information, locations, and comments.

1           7.       (Previously amended) The method of claim 1, wherein the processing of the  
2           rate request by the media outlet includes filling out a rate submission form on a Web  
3           page.

1           8.       (Original) The method of claim 1, wherein the manipulation of the rate request  
2           by the server system includes creating a shell schedule based on the buying criteria,  
3           interfacing the shell schedule with audience rating and qualitative data and creating  
4           the schedule based on selected parameters.

1           9.       (Original) The method of claim 8, further including converting the schedule to  
2           a simplified format, applying a rating system to the schedule and creating numerical  
3           ratings and efficiency categories for the schedule.

1           10.       (Currently amended) A system for selecting and purchasing media advertising  
2           in a user/server environment accessed through a Web site, using a media buying  
3           process, comprising:

4                   a server system accessible by an advertiser through a Web site in order  
5           to select and purchase media advertising, the server system comprising;

6                   a receiving component for receiving information from the advertiser  
7           relating to the advertiser's buying criteria and customer data in order to  
8           process the information to select at least one media outlet from a plurality of  
9           available media outlets thereby causing said media buying process to have a  
10          reduced duration, and create at least one media advertising rate request  
11          directed to the at least one media outlet;

12                  a media outlet transmitting and receiving component for transmitting  
13          the at least one rate request to at least one media outlet and for receiving at  
14          least one processed rate request from the at least one media outlet;

15                  a schedule creating component for manipulating the processed rate  
16          request to create a media advertising schedule; and

17                  an advertiser transmitting and receiving component for receiving and  
18          transmitting information to and from the advertiser in order to allow the  
19          advertiser to select and purchase media advertising.

1           11.       (Original) The system of claim 10, wherein the media advertising for selecting  
2           and purchasing is selected from a group consisting of radio, television, cable,  
3           newspaper and outdoor media.

1        12.    (Original) The system of claim 10, wherein the information relating to the  
2        buying criteria is selected from a group consisting of advertising campaign type,  
3        media choice, customer profile, scheduling preferences, target demographics and  
4        allocated budget.

1        13.    (Original) The system of claim 10, wherein the information relating to  
2        customer data is selected from a group consisting of company name, physical  
3        address, telephone/facsimile numbers, e-mail address, contact name and credit  
4        information.

1        14.    (Currently Amended) A server system for selecting and purchasing media  
2        advertising in a user/server environment accessed through a Web site using a media  
3        buying process, comprising:

4                a receiving component for receiving information from an advertiser  
5        relating to the advertiser's buying criteria and customer data in order to  
6        process the information to select at least one media outlet from a plurality of  
7        available media outlets thereby causing said media buying process to have a  
8        reduced duration, and create at least one media advertising rate request  
9        directed to the at least one media outlet;

10               a media outlet transmitting and receiving component for transmitting  
11        the at least one rate request to at least one media outlet and for receiving at  
12        least one processed rate request from the at least one media outlet;

13               a schedule creating component for manipulating the processed rate  
14        request to create a media advertising schedule; and

15               an advertiser transmitting and receiving component for transmitting  
16        and receiving information to and from the advertiser in order to allow the  
17        advertiser to select and purchase media advertising.

Appl. No. 09/650,299

Amdt. dated September 18, 2003

Reply to Notice of Non-Compliant Amendment mailed September 8, 2003 in

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15. (Original) The system of claim 14, wherein the server system is accessed through a Web site by the advertiser who provides information relating to buying criteria and customer data through a Web page form in order to select and purchase the media advertising.

16. (Original) The system of claim 14, wherein the media advertising for selecting and purchasing is selected from a group consisting of radio, television, cable, newspaper and outdoor media.

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